

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re BROOKE ELIZABETH RACE

CASE NO. 06-40010

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

ORDER
ADJUDGING BROOKE ELIZABETH RACE IN CONTEMPT OF COURT
FOR REFUSING TO TESTIFY BEFORE A GRAND JURY AFTER RECEIVING
AN ORDER OF IMMUNITY PURSUANT TO 18 U.S.C. §§ 6002-6003

On July 31, 2006, Brooke Elizabeth Race received a subpoena to testify before a Federal Grand Jury on August 1, 2006, at 9:00 a.m.

On August 1, 2006, Ms. Race appeared before the Grand Jury, and apart from providing her name and address, refused to testify. At that time, the Assistant U.S. Attorney provided her and her attorney with an immunity order pursuant to 18 U.S.C. §§ 6002 et seq. That order, pursuant to 18 U.S.C. § 6003, signed by the Court on July 31, 2006, required Ms. Race to testify before the Grand Jury, and provided her with immunity from prosecution for such testimony thereby protecting her privilege against self-incrimination. Simply put, Ms. Race, because she can no longer invoke her Fifth Amendment Privilege against self-incrimination, must testify before the Grand Jury.

Thus, Ms. Race, after being informed of her rights and the impact of the §§ 6002-03 order providing her with testimonial immunity before the Grand Jury, thereby requiring her to testify, refused to testify before the Grand Jury.

Thereafter Ms. Race was brought before the Court which informed her of her rights, the impact of the immunity order, her obligation to testify, and the fact that refusal to testify before the Grand Jury would result in her being found in contempt of court and incarcerated.

Ms. Race stated to the Court that she would not testify before the Grand Jury.

Accordingly, Ms. Race is adjudged in contempt of court.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 1, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 1, 2006.

s/Denise Goodine
Case Manager